

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; GUMERSINDO
GOMEZ; FRANK BUNTIN; RAFAEL
RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

TRIAL AFFIDAVIT OF VICTOR DAVILA

I, Victor DaVila, make the following declaration based on personal knowledge:

1. I am a 35 year old Latino resident of the City of Springfield. I have lived in Springfield for 20 years. I currently live at 125 Marsden Street, which is in Ward 8-C. I am registered to vote, and my polling location is Central High School.
2. I have run twice for the Springfield School Committee, in 2003 and 2005, and lost both times.
3. I believe that white voters treated me and viewed me differently than white candidates because I am Latino. During both campaigns, I frequently heard comments from white potential voters about my accent. Some would comment that I have a thick accent. Others would ask me directly whether I was a candidate who would represent the Hispanic community only, or whether I would also represent the rest of the City. I felt like I had to constantly try to

convince white voters that I was not just a candidate for Latinos, and that white voters wanted to know whether I would represent them, or represent Latinos.

4. In short, I felt like I had to be as “non-Latino” as possible when addressing white potential voters in order for them to accept me as a legitimate candidate. When I say I needed to be “non-Latino” I mean that I had to try to appear as neutral as possible about issues where there was potential disagreement between the white and Latino communities, and I had to be very cognizant of the way I dressed, my mannerisms, my accent, and whether or not I spoke Spanish in the presence of potential white voters.

5. If I advocated for positions that were important to Latino voters, like opposing a switch to neighborhood schools, I felt like I had to constantly explain and defend that position with potential white voters, even though many white voters held the same opinion, but, as I describe below, for different reasons. I got the feeling that many potential white voters did not believe me when I told them I was interested in advocating for issues that are important to the entire city. I think that much of their skepticism arose from the fact that there are distinct opinions held in both communities about certain issues, and disagreements regarding those issues. More importantly, I believe that their skepticism arose from the fact that they perceived me as Hispanic first, before anything else.

6. I believe that many of the comments and concerns I would hear from white voters about issues facing Springfield’s schools had racial undertones. For example, many Latinos were opposed to neighborhood schools because they thought it would result in their children attending inferior schools. Many white voters were also opposed to a switch to neighborhood schools, but for different reasons – they were concerned that their children would be attending particular schools with high Latino student populations. Therefore, even though whites and

Latinos tended to agree that they did not want neighborhood schools, I felt like many white voters did not support me on that particular issue because I came to the same conclusion they did for different reasons, and they therefore saw me as a candidate for Latinos instead of as a candidate for the city.

7. I also heard many comments from white voters about how best to teach English to students whose primary language is Spanish. I felt that a lot of the comments I heard from potential white voters regarding how best to teach English to Spanish speaking students had derogatory racial undertones. Many white potential voters who supported English immersion would make comments to me about how Latino students need to speak English because they are in America. Even though I wholeheartedly agree that Latino students need to speak English, and to learn to do so well to be successful, I did not believe that English immersion was the most effective way to achieve that goal. As a result, I believe I did not have the support of many white voters on this issue.

8. There is a belief within the Hispanic community that Hispanic candidates cannot win elections because of the at-large system. Most people think that it requires too much money, that it is extremely difficult to raise money from within the Hispanic community, and that even with financial resources it is very difficult to get white voters to accept Hispanic candidates. Most people in the Hispanic community believe that the only way a Hispanic candidate will be elected is if he or she does not have an accent, and has very moderate political views such that he or she is not viewed as being an advocate for issues that are more important to the Hispanic community than they are to the white community. In other words, it is a common belief that a candidate needs to "act and speak white" in order to be elected. Having run twice for the School Committee, I also have come to this conclusion.

9. I have seen that business leaders in the Hispanic community believe that it is very difficult for Hispanic candidates to win at large elections. For this reason, combined with the fact that most Hispanic residents of Springfield are not well off, I think that most Hispanic business leaders are verbally encouraging to Hispanic candidates, but are unwilling to put a lot of monetary support behind Hispanic candidates.

10. In general, the Hispanic community in Springfield is poor, which makes it extremely difficult for Hispanic candidates to raise the funds necessary to finance an effective campaign. I found it very difficult to raise money in the Hispanic community, and nearly impossible to raise money in the white community in Springfield. I found that most of the monetary support I received from whites came from people who live outside the City of Springfield.

11. Because the City of Springfield is a large geographic area, it is very difficult to reach the number of voters that one needs to reach in order to run an effective campaign without spending a lot of money on radio, television and newspaper advertisements.

12. In both of my campaigns for School Committee I campaigned all over the City. I tried to concentrate my time in areas where I knew there was high voter turnout based on past election data, and also in areas that are heavily populated by Hispanics.

13. In 2003 I went door to door, handed out flyers, did stand-outs, appeared at as many events as I could, met as many people and shook as many hands as I could, and purchased newspaper advertisements. I tried to concentrate my time in areas of the city that tend to have high voter turnout, and also in the predominantly Hispanic North End.

14. In 2005 I knocked on about 3,000 doors all around the City, concentrating in particular in areas of the City that tend to have high voter turnout, such as the Pine Point, Sixteen

Acres, and Forest Park areas. I decided to spend a lot of time in these neighborhoods, both going door to door, and meeting potential voters in other venues, because I concluded that in order to win an election for the School Committee, I would have to greatly increase my support among white voters.

15. In addition to going door to door in 2005, I also passed out flyers, did stand-outs, visited about half of the schools in the City's school system and met with many principals and teachers, and purchased a limited amount of radio and television advertisements (on channels 22 and 40), to the extent my budget would allow.

16. In 2005 I also had the support of existing School Committee member Antonette Pepe, who I believe helped to legitimize me as a candidate in the eyes of white voters. Still, I did not increase my support among white voters enough to win election.

17. Both times that I ran for election, I gradually increased the amount of time I spent campaigning as election day drew closer so that I was campaigning nearly full time during the last 6 weeks before election day. For both the 2003 and 2005 elections, I estimate that from May through July I spent about 15 hours per week campaigning; from August through September I spent about 20 hours per week campaigning; and in October and November I spent at least 30 hours per week campaigning. I had about six people who were very dedicated to my campaign who helped me nearly all the time for both races. There were several additional people who regularly helped me for special events like stand-outs, organizing fund raisers, and filming television commercials.

18. When I ran for School Committee in 2003, the primary issues I talked about in connection with my campaign were, not necessarily in order of importance: school safety; rehabilitating school buildings that were in a severe state of disrepair, many of which happened

to be located in predominantly Hispanic areas of the city; and changing the method of election for School Committee members to one based on wards or districts, instead of the existing at-large system.

19. When I ran for School Committee in 2005, the primary issues I talked about in connection with my campaign were, not necessarily in order of importance: school safety; opposition to eliminating busing and returning to neighborhood schools; settling the teachers' contract; not taking any salary for service on the School Committee; and changing the method of election for School Committee members to one based on wards or districts, instead of the existing at-large system.

20. I believe that if Springfield elected its School Committee members from districts, instead of at-large, that I would have won my campaigns. I believe that I had strong support from Latino voters, but that I did not have the support of Springfield's white voters. I believe that I lacked support among white voters because I appeared too Hispanic to them.

21. I have observed the campaigns of other Hispanic candidates in Springfield and have seen them encounter the same difficulties as I encountered. In 2005, Orlando Santiago ran for School Committee. Santiago was retiring from his position as a correctional officer when he ran, and had the advantage of being able to campaign full time. Santiago ran a very good campaign, and finished fourth in 2005. He had very strong support in the Latino community. But, like me, he also did not have enough support from white voters to be elected.

22. Jose Tosado is the only Hispanic candidate who has had success in Springfield politics in recent memory. I believe that Tosado is an exception because of some unusual circumstances. First, Tosado was not elected to the City Council, he was appointed, and so he has always run for the City Council as an incumbent. Second, he has very long-standing

community ties, a very large family, many of whom work in government positions, and he has also spent much of his career working in government jobs. I think that his ties to the existing Springfield government power structure have helped him to raise money, and have given him an air of legitimacy among white voters.

23. It is a common belief in the Hispanic community that in order to elect a candidate that will be responsive to the needs of the Hispanic community, voters must vote for only one candidate, or for only the Hispanic candidates. I believe that many Hispanic voters vote only for Hispanic candidates, or only for one Hispanic candidate. There is the sense that, if you vote for more than one candidate, you are casting a vote or votes against the person who you really want to be elected.

24. In addition, I believe that many Latinos do not vote because they think their vote is useless, and are very discouraged by the at-large system. In the North End, there is the sense in the community that nobody in government cares about what happens in the North End. For example, in the North End there have been problems with a lack of police presence, and many residents feel like the police are only reactive, and are not proactively working to keep the North End safe. It is not uncommon to hear in the white community that if someone is going to the North End, they should drive through, lock their doors, and not stop. There has also recently been a lack of a fire station in the North End. Because people in the North End do not feel like anyone pays attention to their problems, I believe they have very low motivation to vote. I believe that a change to a district-based system would give people who live in predominantly minority areas of the City much greater motivation to vote because they would feel like someone was paying attention to their problems.

25. In addition to my experiences with and observations of Springfield's electoral system as a candidate, I have also observed and experienced problems that many Hispanic voters face on election day. For several years, starting in about 1996, I have volunteered to help campaign for certain candidates on election day, or to bring voters to the polls on election day. When I was a candidate in 2003 and 2005, I spent a lot of time around polling locations on election day.


26. In 1998, I volunteered to bring voters to the polls on election day. I observed at a polling location a Hispanic woman who spoke only Spanish who had brought with her someone to translate for her so that she could vote. The poll worker would not allow the translator to accompany the woman into the voting booth. I intervened and told the poll worker that she should allow the translator to accompany the woman into the voting booth. The poll worker would not allow it, and instead insisted that a police officer accompany the woman in the voting booth.

27. I have frequently seen Hispanic voters who are told they are not on the voter list when they think they are registered to vote. I have also frequently seen that poll workers would not even make an effort to check the inactive voter list when a Hispanic voter did not appear on the active voter list. Before 2006, I never saw a poll worker offer a voter a provisional ballot after telling the voter that his or her name was not on the voter list. Since 1996, I estimate that I have seen hundreds of voters who were both turned away because their names did not appear on the voter list, and not offered provisional ballots. I have seen poll workers treat Hispanic voters with indifference, and rarely go out of their way to try to help Hispanic voters whose names do not appear on the voter list, or who otherwise have difficulties at the polls because they require assistance voting, or understanding the materials.

28. As long as I can remember there has been a lack of Spanish speaking poll workers. When I voted in 2005, I did not see any Spanish speaking poll workers where I vote, at the Central High School.

29. As a candidate, I believe it is a distinct disadvantage that I not only had to be concerned with getting votes, but that I also had to be concerned with whether people would be able to exercise their right to vote.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. Executed on January 30th, 2007.


Victor DaVila

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 2, 2007.

/s/ Paul E. Nemser